

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
KALISPELL CITY-COUNTY MASTER PLAN
COLUMBIA FALLS CITY-COUNTY MASTER PLAN
GROWTH POLICY AMENDMENT REPORT (#FPMA-20-01)
APRIL 8, 2020**

A report to the Flathead County Planning Board and Board of Commissioners regarding an amendment to rescind the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan which are currently addenda of the Flathead County Growth Policy.

The Flathead County Planning Board will conduct a public hearing on the proposed amendment to the Flathead County Growth Policy on April 8, 2020 in the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Kalispell. A recommendation from the Planning Board will be forwarded to the Board of Commissioners for their consideration. A copy of the current Flathead County Growth Policy as well as the proposed amendment(s) are available for public inspection in the Flathead County Planning and Zoning Office, South Campus Building, 40 11th Street West, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the April 8, 2020 Flathead County Planning Board review of the proposal.

B. Commission

This space will contain an update regarding the Flathead County Commissioners review of the proposal.

II. GENERAL INFORMATION

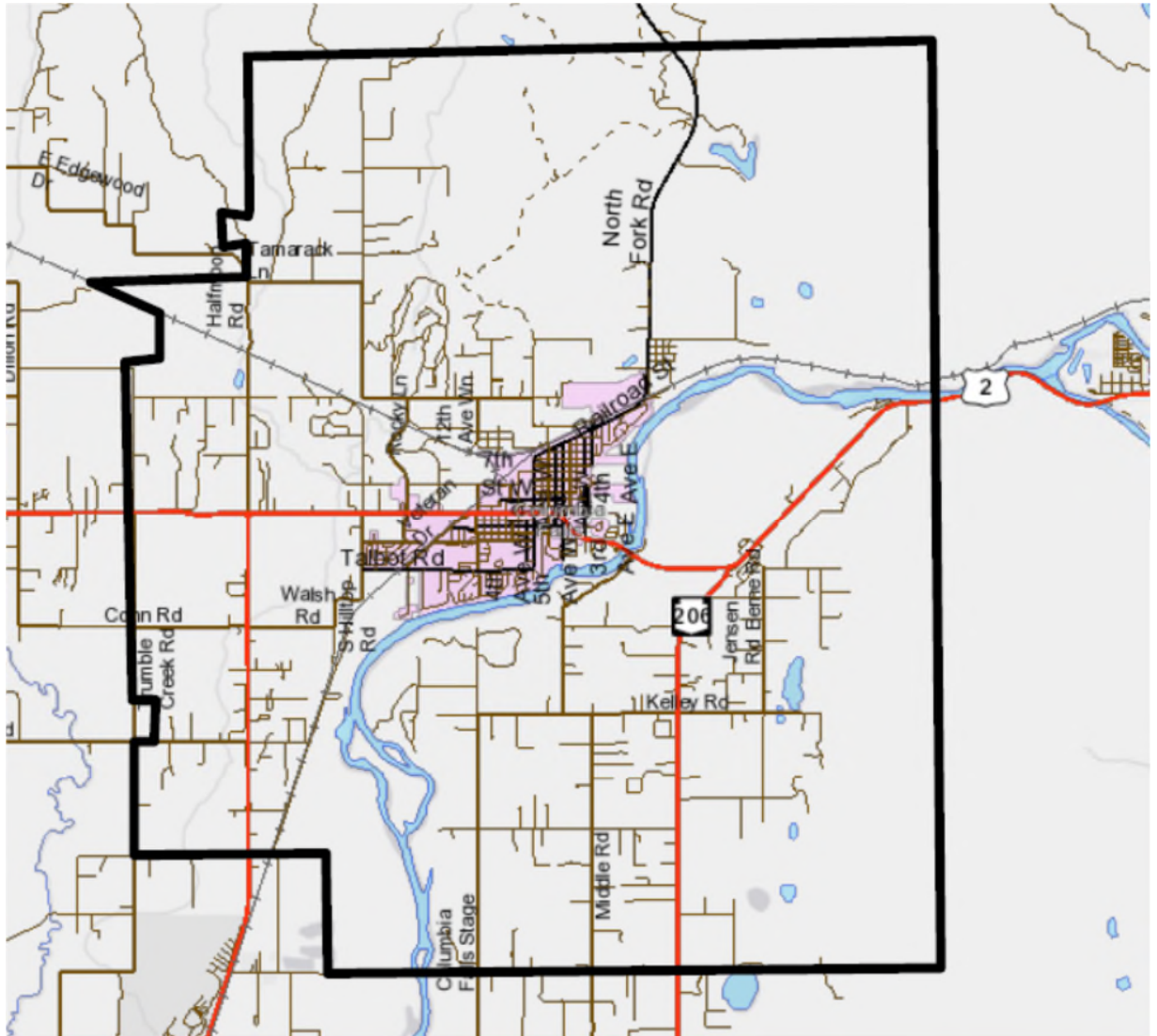
A. Applicant/Petitioner

Flathead County Planning Board

B. Subject Property Location and Legal Description (if a map amendment)

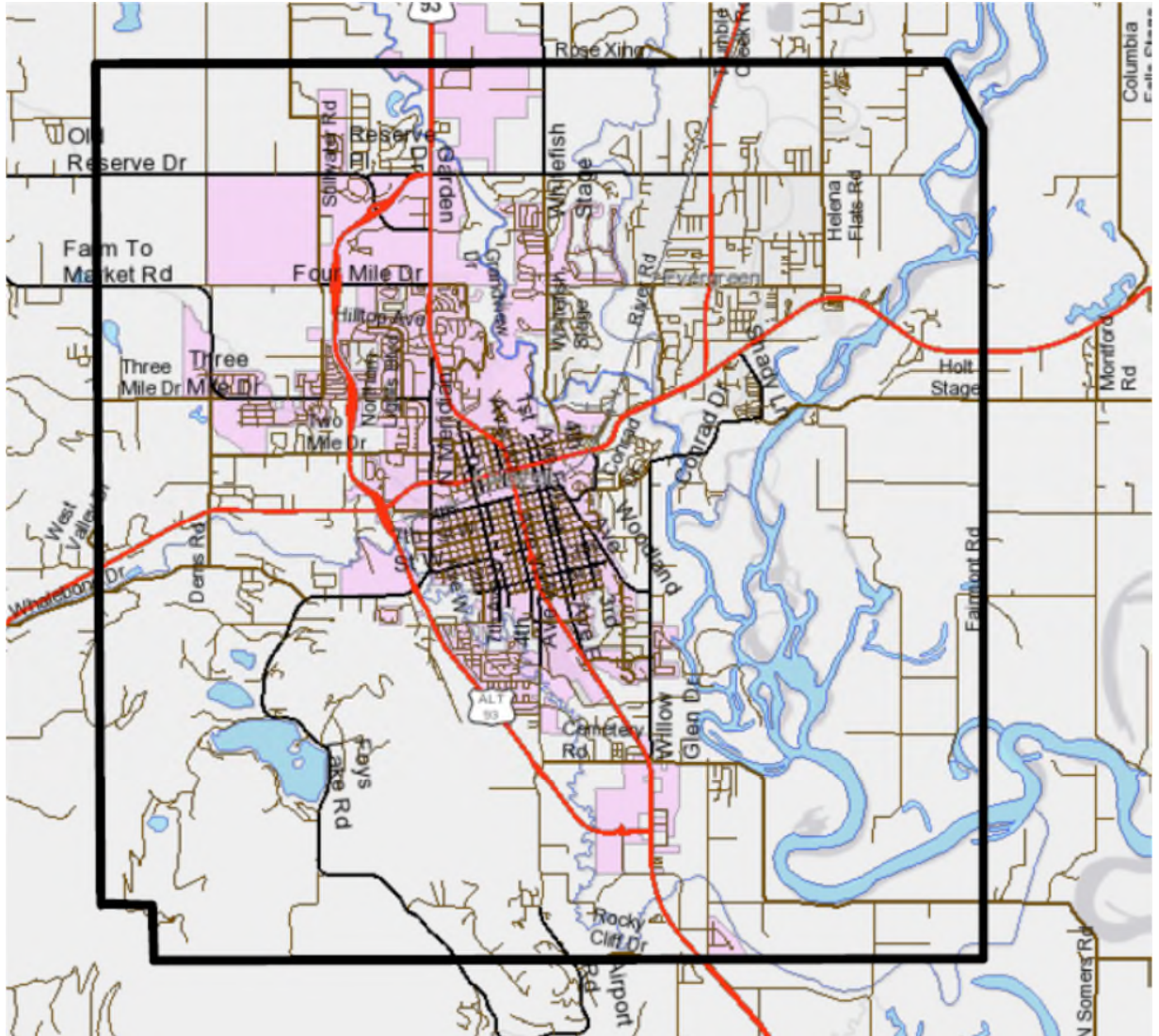
The proposed Columbia Falls City-County Master Plan amendment would be for properties located within Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, Township 30 North, Range 20 West, Sections 1, 11, 12, 13, 14, 24, 25, 26, and portions of Sections 2, 3, and 23 Township 31 North, Range 21 West, Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 Township 31 North, Range 20 West, Sections 25, 26, 35, 36, and a portion of Section 34, Township 31 North, Range 21 West, P.M.M. Flathead County, Montana. (See Figure 1 below).

Figure 1: Columbia Falls area highlighted in black



The proposed Kalispell City-County Master Plan amendment would be for properties located within Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, and a portion of Section 26, Township 29 North, Range 21 West, Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, Township 28 North, Range 21 West, Sections 25, 26, 27, 34, 35, 36, Township 29 North Range 22 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, 36, and a portion of Section 34, Township 28 North, Range 22 West, P.M.M. Flathead County, Montana. (See Figure 2 below).

Figure 2: Kalispell area highlighted in black



C. Proposed Plan Amendment

The actual text of the Growth Policy to be amended contains the following:

Table 11.1

Existing Plans and Dates of Most Recent Adoption

Plan	Date most recently adopted/amended
Ashley Lake	10/14/2011
Bigfork	06/02/2009
Canyon	05/17/1994
Columbia Falls City County Master Plan	08/28/1984
Cooper Farms	07/16/2008

Helena Flats	09/13/2005
Kalispell City-County Master Plan	02/06/1986
Labrant-Lindsey Lane	04/07/1998
Lakeside	12/1/2010
Little Bitterroot Lake	01/24/1996
North Fork	06/12/2008
Quarter Circle/LA Ranch	10/26/2005
Riverdale	02/21/2008
Rogers Lake	04/16/1997
South Woodland/Green Acres	04/02/1997
The Amended Stillwater Neighborhood Plan	11/05/2003
Two Rivers	06/28/2005
West Valley	04/09/1997
Whitefish Area Trust Lands	06/08/2005
Whitefish City-County Master Plan	02/06/1996

The Columbia Falls City-County Master Plan that is an addendum to the Flathead County Growth Policy was adopted by both the City of Columbia Falls and Flathead County by August 28, 1984. The Kalispell City-County Master Plan, also included as an addendum to the Growth Policy was ultimately adopted by the City and the County by April 7, 1986. Since these two master plans were adopted, Flathead County adopted a Growth Policy on March 19, 2007 and amended that document on October 12, 2012. As mentioned, the Growth policy included these two master plans as well as other Neighborhood Plans as addenda. These two master plans appeared to have used the year 2000 as a horizon in which to guide and project growth within their particular planning area.

Subsequent to the County adopting the most recent Growth Policy in 2012, the City of Kalispell and Columbia Falls have amended their respective growth policies more than once. The most current City of Kalispell Growth Policy was adopted on July 3, 2017. The City of Columbia Falls most current Growth Policy was adopted on September 16, 2019. In addition to a brand new Growth Policy, the City of Columbia Falls and Flathead County have entered into an interlocal agreement regarding land use jurisdiction. The initial agreement signed on January 12, 2005 has been updated several times with the latest agreement signed by Flathead County on August 6, 2018.

Have said that, a reasonable argument can be made that the outdated City-County master plans no longer have any significance whatsoever in guiding land use decisions within the areas included in these plans. As the Planning Board well knows, staff evaluation of zone change requests requires an analysis of how the request complies with the elements of the Growth Policy or any applicable localized Neighborhood Plan. When reviewing requests for a zone change within the boundaries of the Kalispell City-County Master Plan area, the plan that was adopted in 1986 is referenced. Much has changed since that time and relying on outdated information and policies results in a very limited analysis of these types of requests. Moreover, when zone change

applications are submitted to this office that are in the vicinity of the City of Kalispell, the city is asked to comment on the request. After conversation with the city's Planning Department, these comments are generated, referencing the most current long range planning documents.

As to the Columbia Falls City-County Master Plan, because the city and the county have entered into the interlocal agreement and the city has recently updated their Growth Policy, having the master plan as an addendum to the Growth Policy appears to be meaningless.

D. Criteria for Amendment Review

Amendments to the Flathead County Growth Policy and/or amendments to the plans adopted as addendums of the Growth Policy are reviewed for conformance with the amendment criteria found in Part 7 of Chapter 10 of the Flathead County Growth Policy.

E. Compliance With Public Notice Requirements

Legal notice of the Planning Board public hearing on this application was published in the March 22, 2020 edition of the Daily Interlake.

F. Agency Referrals

City officials from both Columbia Falls and Kalispell were notified of this request. Neither city expressed concerns with the amendment.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no written comments have been received regarding the requested. It is anticipated any member of the public wishing to provide comment on the proposed Growth Policy amendment will do so at the Planning Board public hearing scheduled for April 8, 2020. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. EVALUATION OF PROPOSED NEIGHBORHOOD PLAN

A. Primary Plan Amendment Criteria

Pursuant to Chapter 10, Part 7 of the Flathead County Growth Policy, the following criteria shall be used when amending the Growth Policy. Therefore, the same criteria are used to review an amendment to a plan which has been adopted as an addendum of the Growth Policy per Chapter 11, Part 4 of the Flathead County Growth Policy.

i. Does the amendment affect overall compliance of the growth policy with 76-1-601, M.C.A.?

The Montana Code Annotated (M.C.A) 76-1-601 states in subsections “(2), *the extent to which a growth policy addresses the elements listed in subsection (3) is at the full discretion of the governing body.*” Staff evaluated the affect the proposed amendment had on overall compliance of the Growth Policy with M.C.A. 76-1-601. Upon review of 76-1-601 M.C.A. staff determined which sections the

proposed amendment would impact. The following subsections of 76-1-601 M.C.A. appear applicable to the requested amendment:

(g) A statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:

(ii) If a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

(4) A growth policy may:

(iii) For a county, a plan of how the county will coordinate infrastructure planning with each of the cities that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years.

It appears the proposed amendments would not affect the overall compliance of the Flathead County Growth Policy with 76-1-601, M.C.A. which states that the growth policy must include these topics, and the extent to which a growth policy addresses the elements listed in subsection (3) is at the discretion of the governing body. Therefore the proposed change to rescind the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan would likely not affect the overall compliance of the Growth Policy with Section 76-1-301 M.C.A.

The Flathead County Growth Policy contains a list of existing neighborhood, local and regional land use plans including the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan. These plans were incorporated into the Growth Policy as an addenda. The proposal to remove these plans from Table 11.1 will remove these plans as an addenda to the Growth Policy. The overall compliance with 76-1-601(4) M.C.A. will not be impacted by the proposal to add and remove plans from Table 11.1 because the Growth Policy is not required to include plans.

Finding #1: The proposed Growth Policy amendment appears to not affect the overall compliance of the Growth Policy with 76-1-601 M.C.A. because the scope to which a growth policy addresses the elements listed in subsection (3) of 76-1-601 M.C.A. is at the discretion of the governing body and it is not a requirement to include neighborhood plans.

ii. Is the amendment based on existing characteristics and/or projected trends that are substantially different from those presented in the most recent update?

As stated above, these master plans were adopted by the respective cities and the County in 1984 and 1986. Subsequent years have seen both cities update their Growth Policies several times, including the most recent update for the City of Kalispell on July 3, 2017 and the City of Columbia Falls on September 16, 2019. Moreover, since 2005, Columbia Falls and the County have been operating under an interlocal agreement which has granted land use jurisdiction to the City of Columbia Falls within their planning area. With these changes in these cities' planning documents since the Flathead County Growth Policy was last updated on October 12, 2012, these city-county master plans appear to be woefully outdated

and essentially useless in evaluating development proposals within these planning areas.

Figure 3 below shows the boundaries of the interlocal agreement area where the City of Columbia Falls has land use jurisdiction. This area is also the boundaries of the planning area of the Columbia Falls as outlined in their Growth Policy adopted in September, 2019. Figure 4 identifies the City of Kalispell's annexation boundary and Figure 5 shows the extent of Kalispell's planning area and future land use map. These document and maps are vastly different than the ones included in the outdated master plans.

Figure 3: Columbia Falls interlocal agreement area highlighted in black

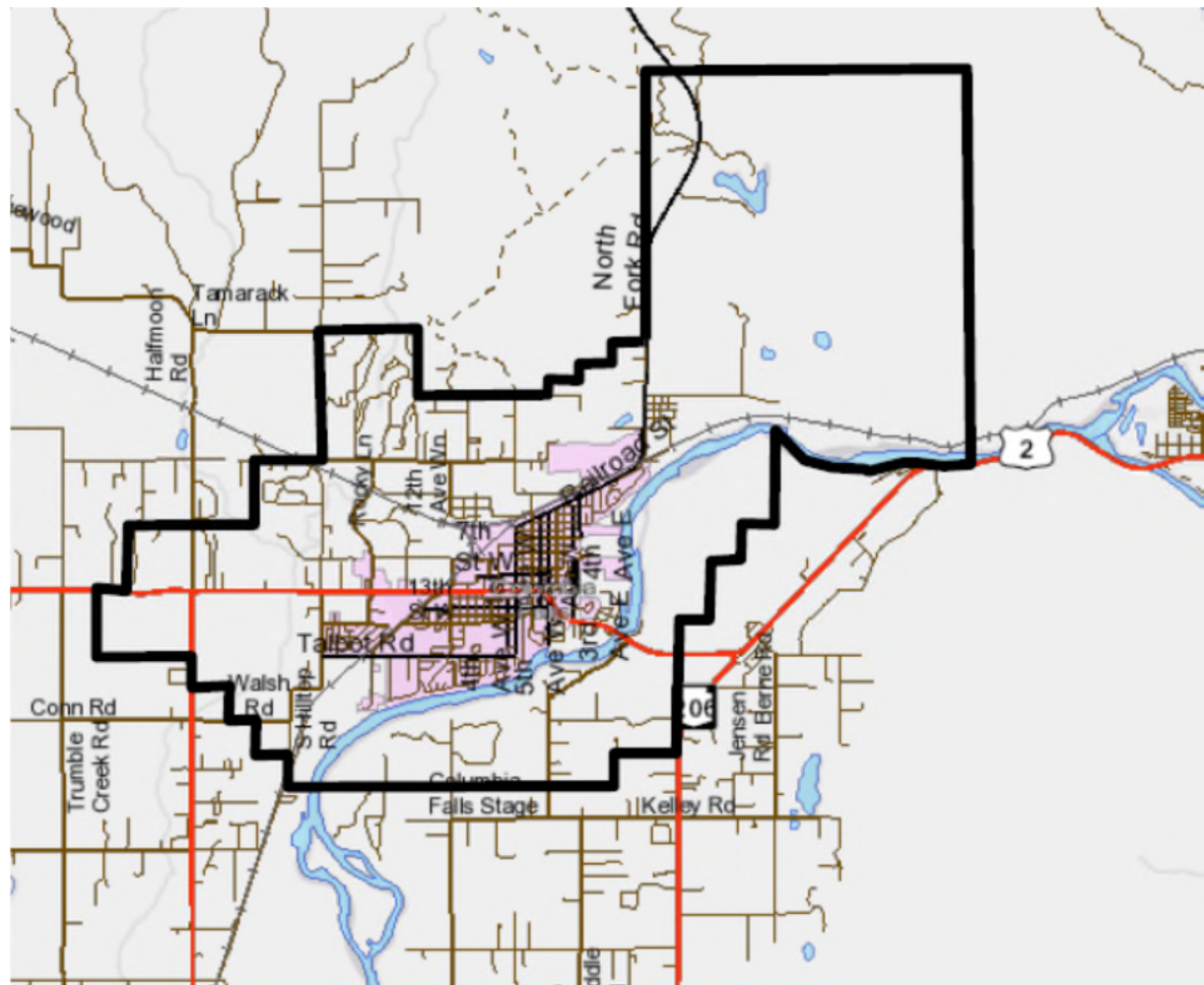


Figure 4: Kalispell annexation area highlighted in blue

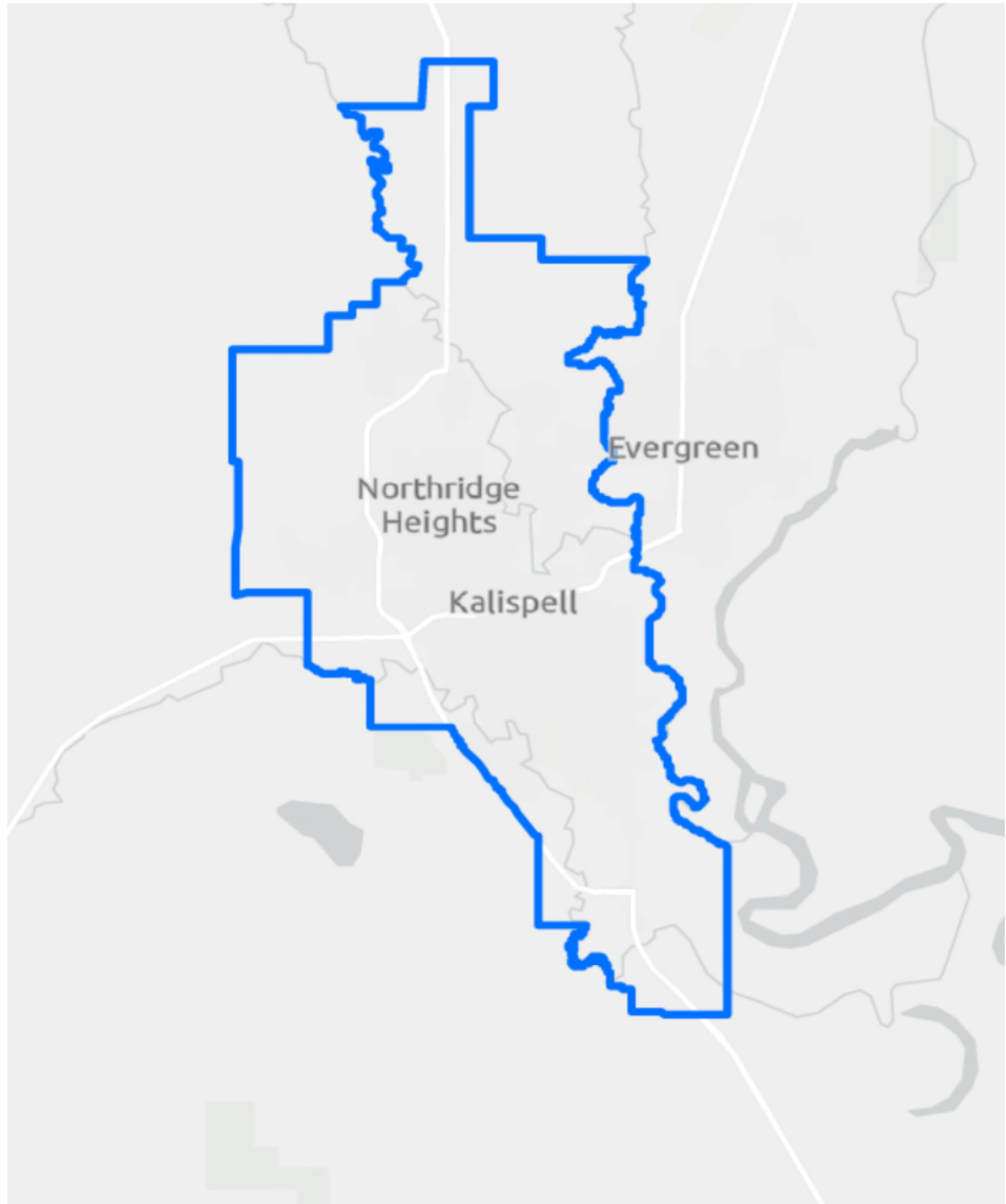
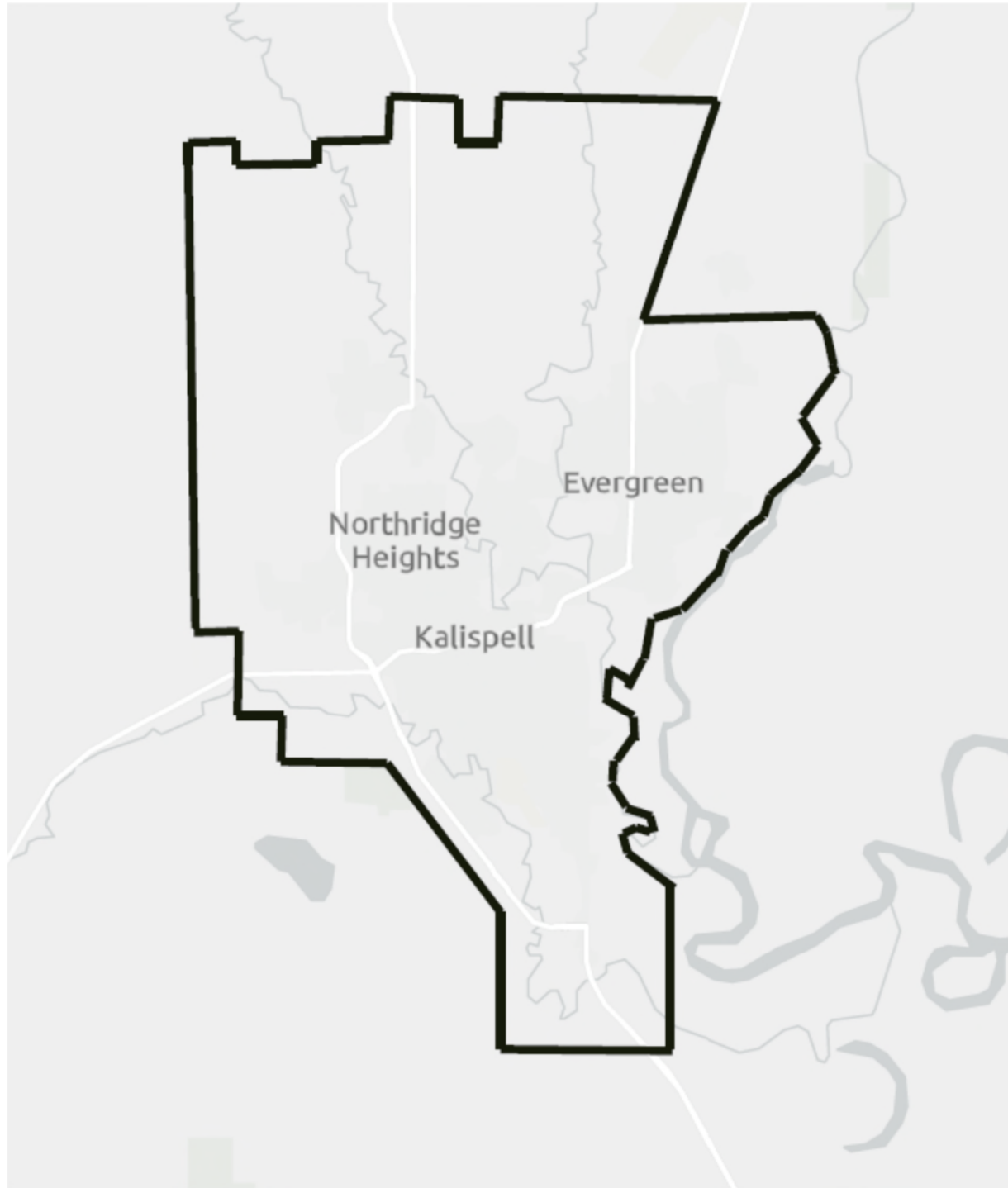


Figure 5: Kalispell planning area highlighted in black



Finding #2: The proposed amendment to rescind the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan is based on existing characteristics that are substantially different from the October 2012 update of the Growth Policy because as of the date of adoption of the latest Growth Policy update Flathead County and the City of Columbia Falls were parties in an interlocal agreement which gave land use jurisdiction to Columbia Falls. Further, both Columbia Falls and Kalispell have updated their Growth Policy since the adoption of the Flathead County Growth Policy, rendering these master plans obsolete.

iii. Does the amendment create inconsistencies within the document?

Staff evaluated the Growth Policy to determine if the proposed amendment would create inconsistencies within the document. Upon review of the Growth Policy, staff determined which text, goals and objectives the proposed amendment may impact.

Chapter 11 of the Growth Policy outlines a process for reviewing existing plans it states, *“In order to provide for adequate public participation, review of the existing plans listed above should follow the process outlined below.”*

1. *Guidance from Planning Board and Commissioners: The Flathead County Planning Board and Flathead County Board of Commissioners will prioritize and guide the review of existing plans in Flathead County and offer guidance to planning staff accordingly.*
 - The Planning Board and County Commissioners have directed staff to rescind these two master plans from the Growth Policy because they are outdated and make review of land use application difficult in the appropriate planning areas.
2. *Public Workshops: As the revised draft is being created, interactive workshops will be conducted covering concepts and solutions being considered for incorporation into the plan. Workshops may allow staff, landowners and residents living within the neighborhood plan’s boundaries to discuss and refine ideas before they are presented in the revised draft.*
 - Other than the opportunity to comment during the Planning Board hearing for this request, there has been no other opportunity for the public to comment. However, the Growth Policy adopted in 2012 is scheduled to be reviewed and rewritten as appropriate. Preliminary work on the scheduled rewrite will begin later in 2020 starting with an approved work plan. Workshops and public meetings will take place throughout the rewrite process as well as public hearings before the Planning Board and County Commissioners. In addition, the most recently adopted City of Kalispell and City of Columbia Falls Growth Policy generated numerous public comments as they were going through the approval process.
3. *Comment on Draft: After the document is created, a draft version will be released for review and comment. Electronic versions shall be available online and paper versions available at the Flathead County Planning and Zoning Office. The public will have an adequate amount of time (no less than 30 days)*

to read and comment on the plan, prior to formal consideration by the Planning Board.

- No new document was created for the rescinding of the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan so there can be no draft review period. The Planning Board will have the opportunity to review the staff report prior to the hearing. Further, this staff report will be available for public review approximately two weeks before the hearing.
- 4. *Planning Board Review and Revision: The Flathead County Planning Board shall hold a public workshop(s) as well as a public hearing on the plan and review and revise the draft plan as the Board deems appropriate.*
 - There does not appear to be a need to hold public workshops for this request. The Planning Board will conduct a public hearing on this request on April 8, 2020.
- 5. *Final Public Review and Comment: A final, revised version of the plan will be forwarded to the Flathead County Commissioners for their consideration. After the commissioners pass a resolution of intent to adopt the plan, the public will have an opportunity to read and comment on the final, revised plan, the timeline for which shall be established by the Commissioners.*
 - The Planning Board recommendation will be forwarded to the Flathead County Commissioners for their consideration and a comment period shall follow, before a final resolution is adopted.

The following goals and objectives of the Growth Policy appear applicable to the proposed amendment, and generally indicate consistency with the proposal:

- ❖ **G.46** – *Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.*
 - **P.46.1** – *Ensure previously existing neighborhood plans remain in effect until revised by the Flathead County Board of Commissioners by incorporating those existing plans into the Growth Policy as addenda deemed consistent with the existing Growth Policy.*
 - The Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan are not neighborhood plans. However, they are listed in Table 11.1 Existing Plans and Dates of Most Recent Adoption. These documents were prepared as Master Plans and adopted as such in the 1980s by both the respective city councils and the Board of Commissioners.
- ❖ **G.47** – *Growth and development around Columbia Falls that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.*
- ❖ **G.48** – *Growth and development around Kalispell that respects the cultural, geographic and historic heritage of the city while providing essential facilities*

and services that protect and preserve the health, safety, and welfare of the natural and human environment.

- As mentioned previously, the Columbia Falls and Kalispell master plans that have been incorporated into the Flathead County Growth Policy were adopted in the 1980s and these cities have adopted updates to their respective growth policies within the last five years. The master plans incorporated into the Growth Policy are woefully out of date and hinder staff in reviewing land use applications that occur in the areas covered under these old master plans.

Finding #3: The proposed amendment appears to generally comply with goals and objectives of the Flathead County Growth Policy because these master plans will be rescinded which will provide a more reliable means to review land use applications in these areas. Moreover, these out of date master plans do not come close to expressing the changes that have occurred within the Columbia Falls and Kalispell planning areas.

iv. Does the amendment further protect and comply with the seven elements of the public's vision for the future of Flathead County?

The seven elements of the public's vision of Flathead County detailed in the Growth Policy are protect the views, promote a diverse economy, manage transportation, protect access to and interaction with parks and recreation, properly manage and protect the natural and human environment, and preserve the rights of private property owners. These master plans that have been incorporated into the Growth Policy can no longer be deemed applicable today. To begin with, these plans were developed and adopted prior to the seven elements of the public's vision of Flathead County identified. Second, the changes that have occurred area wide and within these city's planning area render these plans obsolete. These master plans have been updated several times by the respective cities since their initial adoption, and it appears time that the out dated plans no longer be included as an element to the Flathead County Growth Policy.

Finding #4: The proposed amendment appears to predominantly protect and comply with the public's vision for the future of Flathead County because these out dated master plans were developed prior to the public's vision as stated in the current Growth Policy. Moreover, because of the age of these plans, it appears they do not accurately reflect the nature of area.

v. Has the proposed amendment undergone a sufficient process of county-wide, public participation and review?

This particular amendment will take public comments prior to and at the Planning Board meeting on April 8, 2020. But because of the age of these master plans and the fact that the respective cities have updated their Growth Policy recently which generated a sufficient public process element, anything more than comments taken by the Planning Board does not appear to be necessary at this time. Moreover, the County will soon undertake a complete rewrite of the Growth Policy which will generate a great deal of public participation and review.

Finding #5: The amendment has undergone a sufficient process of participation and review because the Planning Board will take public comments at their hearing, the respective cities had extensive review and comment periods in their recent adoption of their Growth Policies, and the County will soon undertake a rewrite of the County Growth Policy which will generate a comprehensive process of public participation and review.

B. Secondary Plan Amendment Criteria

The Master Plan does anticipate that the plan would require periodic review and revision, because the various recommendations delineated in this study are based upon prevailing needs or deficiencies and past trends, as social and economic conditions vary, the needs and desires as well as the deficiencies of the Columbia Falls and Kalispell areas will vary. However the Columbia Falls City-County Master Plan nor the Kalispell City-county Master Plan establish unique amendment criteria within the documents.

V. SUMMARY OF FINDINGS

Finding #1: The proposed Growth Policy amendment appears to not affect the overall compliance of the Growth Policy with 76-1-601 M.C.A. because the scope to which a growth policy addresses the elements listed in subsection (3) of 76-1-601 M.C.A. is at the discretion of the governing body and it is not a requirement to include neighborhood plans.

Finding #2: The proposed amendment to rescind the Columbia Falls City-County Master Plan and the Kalispell City-County Master Plan is based on existing characteristics that are substantially different from the October 2012 update of the Growth Policy because as of the date of adoption of the latest Growth Policy update Flathead County and the City of Columbia Falls were parties in an interlocal agreement which gave land use jurisdiction to Columbia Falls. Further, both Columbia Falls and Kalispell have updated their Growth Policy since the adoption of the Flathead County Growth Policy, rendering these master plans obsolete.

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the County Growth Policy which will generate a comprehensive process of public participation and review.

VI. SUMMARY

Per Chapter 11 Part 4 of the Flathead County Growth Policy existing plans previously adopted by Flathead County were incorporated into the Growth Policy as addenda upon adoption of the Flathead County Growth Policy. As such the review and evaluation by the staff of the Planning Board comparing the proposed amendment to rescind the Columbia Falls and Kalispell Master Plan as addenda to the Flathead County Growth Policy to the criteria for evaluation of amendment requests found in Chapter 10 Part 7 of the Flathead County Growth Policy has found the proposal to generally comply with the review criteria, based upon the Findings of Fact cited above.

Planner: MM